

Changes to employment legislations



There is a view that the employment context in New Zealand is 'fit for purpose' and suits most working people. This begs the question "How do we know this", and further, "Are there some in society who benefit more than others from the current employment setting".

Collective bargaining

Health, the Public Service and Education are the last arenas where collective employment negotiations have continued to achieve agreements covering a significant proportion of employees, with pay increases and improvements to working conditions. Bill Rosenberg, NZCTU Economist, indicated that last year only 45 percent of jobs not covered by a collective agreement got a pay rise, while 99 percent of those on a collective agreement got a rise. The big picture is that the government has capped public spending and pay increases in Education, as well as in Health and Public Services. Private employers have followed suit. In the education sector over the last decade, pay has only increased by 1% or so per year.

Initial changes

The Labour-led coalition government now seeks to reverse some of the legislation brought in by the previous government. If the changes to the Employment Relations Act are passed later this year, this will benefit the most vulnerable workers and should lead to improved bargaining processes. The key proposed changes are as follows:

Representatives

ISEA representatives under the new legislation will get time off during the working day to carry out ISEA-related duties, such as talking to new staff about joining ISEA, attending meetings in support of an ISEA member and consulting with the principal about significant changes to conditions. Although ISEA Reps are mentioned in many of our agreements (contracts), it is helpful to include this in union access rights provisions in legislation. This acknowledges the Rep's role, which is voluntary, its impact on workload and the benefits it provides to ISEA members and schools.

Collective Agreement (Contract)

The agreement will need to include a pay scale. Most of our schools include one. Where this isn't the case, ISEA has pushed for it in bargaining. This has real and symbolic significance as it normalises bargaining for pay and recognises that pay is at the heart of the agreement for employees.

New Staff

New staff must be given the conditions of the collective agreement for their first 30 days. We have retained this in the majority of our agreements, so there is little change for our members here. This re-establishes collective agreements, rather than individual employment agreements, as the norm. Further, it ensures that new staff will have the existence of a union and the collective agreement brought to their attention. Whilst they still have the freedom to join or not, if the new staff agree,

ISEA will be notified that they have become employed at the school. Reps will need to recruit those new staff members to join the Association once the 30 days have elapsed.

90-Day Trial

This will exist only in small workplaces (with 20 or fewer employees). ISEA has resisted efforts by the employer in bargaining to introduce 90-day trial periods for staff, as the 'fire at will' power that this provision gives employers is not appropriate in the professional context of a school. ISEA is also opposed to allowing small employers to use such trials, as young workers are very vulnerable to exploitation through this provision.

School Visits

Finally, ISEA officials will no longer have to seek permission to visit schools to meet members. In the majority of our schools, requesting permission for a visit has not been a requirement; signing the visitor's book has been sufficient. The removal of this clause will assist the Association in schools where we don't have collective agreements and where we have few or no members. The changes depend on the bill becoming law. It is to be hoped that this will happen in the next six months. It's a good start and it will improve the climate for bargaining and the Association's work with members in the current year.

Matthew Fitzsimons, General Secretary, ISEA